

REMARKS

Claims 1 – 41 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action, claims 17, 18, 20 and 36 were objected to because of informalities; claims 1 – 15 and 21 – 41 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent no. 5,064,310 to Sullivan (hereinafter referred to as “the Sullivan ‘310 patent”); and claims 16 – 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Sullivan ‘310 patent in view U.S. patent no. 5,707,172 to Wilcox (hereinafter referred to as “the Wilcox ‘172 patent”).

By this Response and Amendment;

claims 17, 18, 20 and 36 have been amended to correct the cited informalities; and

claim 1 has been amended to recite “[a] floating breakwater assembly comprising an array of elongate rods articulated to one another to allow the assembly to extend at a substantially vertical position above the water level while said rods being at least partially submersed in water, wherein said rods are made of an elastic, the arrangement being such that upon applying bending force to the array it is elastically deformable into an open formation defined by a border line of arcuate shape;” and as amended, the rejections to claim 1 and the rejections to the claims dependent thereon have been traversed; and

the rejections to claims 35 and 41 have been traversed.

Support for the amendment to claim 1 can be found on page 2, line 28 through page 3, line 3 of the original application. Therefore, it is respectfully submitted that the above amendments and corrections do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Objections To The Claims

The Examiner objected to claims 17, 18, 20 and 36, asserting that claims 17, 18, and 20 refer to “the deck” and appear to depend from claim 16 rather than claim 15; and also asserting that “to” should be inserted in line 1 of claim 36 after “connectable.”

Response

By this Response and Amendment, claims 17, 18, 20 and 36 have been amended in accordance with the Examiner’s suggestions.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objections.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1 – 15 and 21 – 41 as being anticipated by the Sullivan ‘310 patent.

Response

1. Claim 1

Amended independent claim 1 of the present application recites “[a] floating breakwater assembly comprising an array of elongate rods articulated to one another to allow the assembly to extend at a substantially vertical position above the water level while said rods being at least partially submersed in water, wherein said rods are made of an elastic material, the arrangement being such that upon applying bending force to the array it is elastically deformable into an open formation defined by a border line of arcuate shape.”

The Sullivan ‘310 patent discloses a shipboard environmental barrier. The barrier

disclosed in the Sullivan '310 patent is intended for retaining a contaminant, which might release from a water vehicle. This object is achieved by providing a barrier deployed as *closed* formation around the water vehicle. This barrier is provided at a perimeter around and spaced from the vehicle prevents spreading of the contaminant in the water due to water movements from currents and other forces, which may promote lateral dispersion of the contaminant. Thus, Sullivan is intended merely for retaining the contaminant.

The feature recited in claim 1 that “the array [of elongate rods] is elastically deformable into an open formation defined by a border line of arcuate shape” is not shown in the Sullivan '310 patent. The barrier disclosed in the Sullivan '310 patent is not deformable by applying force to its elements. The Sullivan '310 patent explicitly states in column 5, lines 35 – 40 that “*a tension line 30 ... is disposed at the top portion of wall cavity 24b ... to prevent wall cavity 24b from unduly bowing.*” This is completely in opposition to what is recited in claim 1 of the present invention. Therefore the Sullivan '310 patent does not anticipate the present invention.

Claims 2 – 15 and 21 – 34 directly or indirectly depend from claim 1 and therefore should be considered patentable over the Sullivan '310 patent for at least the same reasons as amended independent claim 1.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

2. Claim 35

Independent claim 35 recites “[a] rod segment for a floating breakwater, said rod being a longitudinal element made of flexible material and being connectable at its ends to consecutive such

segments.”

The Sullivan ‘310 patent discloses a shipboard environmental barrier. The barrier disclosed in the Sullivan ‘310 patent is intended for retaining a contaminant, which might release from a water vehicle. This object is achieved by providing a barrier deployed as *closed* formation around the water vehicle. This barrier is provided at a perimeter around and spaced from the vehicle prevents spreading of the contaminant in the water due to water movements from currents and other forces, which may promote lateral dispersion of the contaminant. Thus, Sullivan is intended merely for retaining the contaminant.

Nowhere in the Sullivan ‘310 patent is “[a] rod segment *for a floating breakwater*” disclosed where “said rod [is]... *connectable at its ends to consecutive such segments*” as recited in claim 35. The Sullivan ‘310 patent is simply silent as to how tubes can be connected to form a segment for a floating breakwater.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

3. Claim 41

Lastly, independent claim 41 recites “[a] connecting element for a floating breakwater, said connecting element comprising a plurality of rod receptacles arranged for parallelly retaining the rods at a fixed position with respect to one another.”

The Sullivan ‘310 patent discloses a shipboard environmental barrier. The barrier disclosed in the Sullivan ‘310 patent is intended for retaining a contaminant, which might release from a water vehicle. This object is achieved by providing a barrier deployed as *closed* formation around the water vehicle. This barrier is provided at a perimeter around

and spaced from the vehicle prevents spreading of the contaminant in the water due to water movements from currents and other forces, which may promote lateral dispersion of the contaminant. Thus, Sullivan is intended merely for retaining the contaminant.

Nowhere in the Sullivan '310 patent is "[a] connecting element for a floating breakwater," disclosed where "said connecting element compris[ed of] a plurality of rod receptacles arranged for parallelly retaining the rods at a fixed position with respect to one another" as recited in claim 41. The Sullivan '310 patent is simply silent as to rod receptacles arranged for parallelly retaining rods at a fixed position with respect to one another.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 16 – 20 as being unpatentable over the Sullivan '310 patent in view of the Wilcox '172 patent.

Response

The arguments above with respect to the deficiencies of the Sullivan '310 patent are incorporated herein by reference.

Claims 16 – 20 ultimately depend from amended independent claim 1. By this Response and Amendment, independent claim 1 has been amended to recite "[a] floating breakwater assembly comprising an array of elongate rods articulated to one another to allow the assembly to extend at a substantially vertical position above the water level while said rods being at least partially submersed in water, wherein said rods are made of an elastic material, the arrangement being such that upon applying bending force to the array it is elastically deformable

into an open formation defined by a border line of arcuate shape.” In view of the amendments to independent claim 1, the rejections to claims 16 – 20 are respectfully traversed.

The Wilcox ‘172 patent does not account for the deficiencies of the Sullivan ‘310 patent. The Wilcox ‘172 patent discloses a floating wave attenuator. The wave attenuator is comprised of steel or concrete keel plates formed in a V-shape, a pipe attached at the upper end of the keel plates to form an ice-cream cone like cross section, and a deck attached on top of the pipe.

Neither the Sullivan ‘310 patent nor the Wilcox ‘172 patent teaches or suggests an “array [of elongate rods] elastically deformable into an open formation defined by a border line of arcuate shape” as recited in amended independent claim 1 of the present application.

It is further submitted that arranging a walkway as disclosed in the Wilcox ‘172 patent on the barrier disclosed in the Sullivan ‘310 patent would make the apparatus disclosed in the Sullivan ‘310 patent inoperable for its intended purpose, since wall cavities 24a and wall tubes 24c of the barrier of Sullivan *"comprise hollow, collapsible, air-tight tubular members formed of a flexible material such as for example a fabric or nylon reinforced vinyl"* (column 6, lines 13 – 20). One could expect that the barrier disclosed in the Sullivan ‘310 patent would not be strong enough to carry walkway thereon.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such

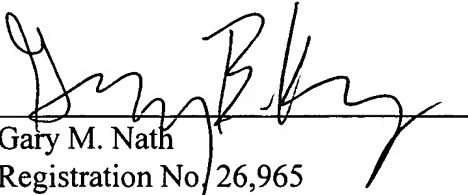
contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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